

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW  
OF THE STATE OF MONTANA

In the matter of the amendment )	NOTICE OF PUBLIC HEARING ON
of ARM 17.8.101, 17.8.102, )	PROPOSED AMENDMENT
17.8.302, 17.8.401, 17.8.801, )	
17.8.901 and 17.8.1005, )	
pertaining to definitions and )	(AIR QUALITY)
incorporation by reference of )	
current federal regulations )	
and other materials into air )	
quality rules )	

TO: All Concerned Persons

1. On March 28, 2002, at 10:30 a.m., a public hearing will be held in Room 35 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Board will make reasonable accommodations for persons with disabilities who wish to participate in this hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board no later than 5:00 p.m., March 11, 2002, to advise the Board of the nature of the accommodation that you need. Please contact the Board Secretary at P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2544; fax (406) 444-4386; or email "ber@state.mt.us".

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

17.8.101 DEFINITIONS As used in this chapter, unless indicated otherwise in a specific subchapter, the following definitions apply:

(1) through (40) remain the same.

(41)~~(a)~~ "Volatile organic compounds (VOC)" means the same as defined in 40 CFR 51.100(s). any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions, and including any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

~~methane;~~

~~ethane;~~

~~methyl acetate;~~  
~~methylene chloride (dichloromethane);~~  
~~1,1,1 trichloroethane (methyl chloroform);~~  
~~1,1,2 trichloro 1,2,2 trifluoroethane (CFC 113);~~  
~~trichlorofluoromethane (CFC 11);~~  
~~dichlorodifluoromethane (CFC 12);~~  
~~chlorodifluoromethane (HCFC 22);~~  
~~trifluoromethane (HFC 23);~~  
~~1,2 dichloro 1,1,2,2 tetrafluoroethane (CFC 114);~~  
~~chloropentafluoroethane (CFC 115);~~  
~~1,1,1 trifluoro 2,2 dichloroethane (HCFC 123);~~  
~~difluoromethane (HFC 32);~~  
~~ethylfluoride (HFC 161);~~  
~~1,1,1,3,3,3 hexafluoropropane (HFC 236fa);~~  
~~1,1,2,2,3 pentafluoropropane (HFC 245ca);~~  
~~1,1,2,3,3 pentafluoropropane (HFC 245ca);~~  
~~1,1,1,2,3 pentafluoropropane (HFC 245cb);~~  
~~1,1,1,3,3 pentafluoropropane (HFC 245fa);~~  
~~1,1,1,2,3,3 hexafluoropropane (HFC 236ea);~~  
~~1,1,1,3,3 pentafluorobutane (HFC 365mfc);~~  
~~chlorofluoromethane (HCFC 31);~~  
~~1,2 dichloro 1,1,2 trifluoroethane (HCFC 123a);~~  
~~1 chloro 1 fluoroethane (HCFC 151a);~~  
~~1,1,1,2,2,3,3,4,4 nonafluoro 4 methoxy butane (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>);~~  
~~2 (difluoromethoxymethyl) 1,1,1,2,3,3,3 heptafluoropropane~~  
~~((CF<sub>3</sub>)<sub>2</sub>CFCH<sub>2</sub>OCH<sub>3</sub>);~~  
~~1 ethoxy 1,1,2,2,3,3,4,4,4 nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>);~~  
~~2 (ethoxydifluoromethyl) 1,1,1,2,3,3,3 heptafluoropropane~~  
~~((CF<sub>3</sub>)<sub>2</sub>CFCH<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>);~~  
~~1,1,1,2,3,4,4,5,5,5 decafluoropentane (HFC 43-10mee);~~  
~~3,3 dichloro 1,1,1,2,2 pentafluoropropane (HCFC 225ca);~~  
~~1,3 dichloro 1,1,2,2,3 pentafluoropropane (HCFC 225cb);~~  
~~1,1,1,2 tetrafluoroethane (HFC 134a);~~  
~~1,1 dichloro 1 fluoroethane (HCFC 141b);~~  
~~1 chloro 1,1 difluoroethane (HCFC 142b);~~  
~~2 chloro 1,1,1,2 tetra fluoroethane (HCFC 124);~~  
~~pentafluoroethane (HFC 125);~~  
~~1,1,2,2 tetrafluoroethane (HFC 134);~~  
~~1,1,1 trifluoroethane (HFC 143a);~~  
~~1,1 difluoroethane (HFC 152a);~~  
~~parachlorobenzotrifluoride (PCBTF);~~  
~~cyclic, branched, or linear completely methylated~~  
~~siloxanes;~~  
~~acetone;~~  
~~perchloroethylene (tetrachloroethylene) and perfluorocarbon~~  
~~compounds which fall into these classes;~~

~~(i) cyclic, branched, or linear completely fluorinated alkanes;~~

~~(ii) cyclic, branched, or linear completely fluorinated ethers with no unsaturations;~~

~~(iii) cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and~~

~~(iv) sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.~~

~~(b) For purposes of determining compliance with emissions limits, VOC will be measured by the test methods in 40 CFR Part 60, Appendix A, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by the department. As a precondition to excluding these compounds as VOC or at any time thereafter, the department may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the department, the amount of negligibly reactive compounds in the source's emissions.~~

~~(42) and (43) remain the same.~~

AUTH: 75-2-111, MCA

IMP: Title 75, chapter 2, MCA

17.8.102 INCORPORATION BY REFERENCE--PUBLICATION DATES AND AVAILABILITY OF REFERENCED DOCUMENTS (1) Unless expressly provided otherwise, in this chapter where the board has:

(a) adopted a federal regulation by reference, the reference is to the July 1, ~~2000~~ 2001, edition of the Code of Federal Regulations (CFR);

(b) and (c) remain the same.

(d) adopted another rule of the department or of another agency of the state of Montana by reference, the reference is to the December 31, ~~2000~~ 2001, edition of the Administrative Rules of Montana (ARM).

AUTH: 75-2-111, MCA

IMP: Title 75, chapter 2, MCA

17.8.302 INCORPORATION BY REFERENCE (1) For the purposes of this subchapter, the board hereby adopts and incorporates herein by reference the following:

(a) through (e) remain the same.

(f) 40 CFR Part 63, specifying emission standards for hazardous air pollutant source categories ~~including the final~~

MAR Notice No. 17-\_\_\_\_\_

~~rules published at 66 FR 3179 on January 12, 2001, "National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills", to be codified at 40 CFR 63, subpart MM.~~

(2) through (4) remain the same.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-203, MCA

17.8.401 DEFINITIONS For the purposes of this subchapter, the following definitions apply:

(1) through (1)(b)(iv) remain the same.

(v) techniques under (1)(a)(iii) above that increase final exhaust gas plume rise when the resulting allowable emissions for sulfur dioxide from the facility do not exceed 5,000 tons per year.

(2) through (4)(c) remain the same.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-203, MCA

17.8.801 DEFINITIONS For the purpose of this subchapter, the following definitions apply:

(1) through (28) remain the same.

(29)(a) ~~"Volatile organic compounds (VOC)" means the same as defined in 40 CFR 51.100(s). any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions, and including any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:~~ methane; ethane; methyl acetate; methylene chloride (dichloromethane); 1,1,1 trichloroethane (methyl chloroform); 1,1,2 trichloro-1,2,2-trifluoroethane (CFC 113); trichlorofluoromethane (CFC 11); ~~ichlorodifluoromethane (CFC 12); chlorodifluoromethane (HCFC 22); trifluoromethane (HFC 23); 1,2 dichloro 1,1,2,2 tetrafluoroethane (CFC 114); chloropentafluoroethane (CFC 115); 1,1,1 trifluoro 2,2-dichloroethane (HCFC 123); difluoromethane (HFC 32); ethylfluoride (HFC 161); 1,1,1,3,3,3 hexafluoropropane (HFC 236fa); 1,1,2,2,3-pentafluoropropane (HFC 245ea); 1,1,2,3,3-pentafluoropropane (HFC 245ea); 1,1,1,2,3 pentafluoropropane (HFC 245eb); 1,1,1,3,3-pentafluoropropane (HFC 245fa); 1,1,1,2,3,3-hexafluoropropane (HFC 236ea); 1,1,1,3,3-pentafluorobutane (HFC 365mfc); chlorofluoromethane (HCFC 31); 1,2 dichloro 1,1,2-~~

~~trifluoroethane (HCFC-123a); 1-chloro-1-fluoroethane (HCFC-151a); 1,1,1,2,2,3,3,4,4 nonafluoro 4-methoxybutane (C4F9OCH3); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3 heptafluoropropane ((CF3)2CFCH2OCH3); 1-ethoxy-1,1,2,2,3,3,4,4,4 nonafluorobutane (C4F9OC2H5); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3 heptafluoropropane ((CF3)2CFCH2OC2H5); 1,1,1,2,3,4,4,5,5,5 decafluoropentane (HFC-43-10mee); 3,3-dichloro-1,1,1,2,2, pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3 pentafluoropropane (HCFC-225cb); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro-1-fluoroethane (HCFC-141b); 1-chloro-1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTfF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene) and perfluorocarbon compounds which fall into these classes:~~

~~(i) cyclic, branched, or linear completely fluorinated alkanes;~~

~~(ii) cyclic, branched, or linear completely fluorinated ethers with no unsaturations;~~

~~(iii) cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and~~

~~(iv) sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.~~

~~(b) For purposes of determining compliance with emissions limits, VOC will be measured by the test methods in 40 CFR Part 60, Appendix A, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by the department. As a precondition to excluding these compounds as VOC or at any time thereafter, the department may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the department, the amount of negligibly reactive compounds in the source's emissions.~~

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-202, 75-2-203, 75-2-204, MCA

17.8.901 DEFINITIONS For the purposes of this subchapter:

(1) through (19) remain the same.

(20)(a) "Volatile organic compounds (VOC)" means the same as defined in 40 CFR 51.100(s). ~~any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid,~~

~~metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions, and including any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: methane; ethane; methyl acetate; methylene chloride (dichloromethane); 1,1,1 trichloroethane (methyl chloroform); 1,1,2 trichloro 1,2,2 trifluoroethane (CFC 113); trichlorofluoromethane (CFC 11); dichlorodifluoromethane (CFC 12); chlorodifluoromethane (HCFC 22); trifluoromethane (HFC 23); 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC 114); chloropentafluoroethane (CFC 115); 1,1,1 trifluoro 2,2-dichloroethane (HCFC 123); difluoromethane (HFC 32); ethylfluoride (HFC 161); 1,1,1,3,3,3 hexafluoropropane (HFC 236fa); 1,1,2,2,3 pentafluoropropane (HFC 245ea); 1,1,2,3,3 pentafluoropropane (HFC 245eb); 1,1,1,3,3 pentafluoropropane (HFC 245fa); 1,1,1,2,3,3 hexafluoropropane (HFC 236ea); 1,1,1,3,3 pentafluorobutane (HFC 365mfc); chlorofluoromethane (HCFC 31); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1-chloro 1-fluoroethane (HCFC 151a); 1,1,1,2,2,3,3,4,4-nonafluoro 4-methoxy butane (C4F9OCH3); 2-(difluoromethoxymethyl) 1,1,1,2,3,3,3 heptafluoropropane ((CF3)2CFCH2OCH3); 1-ethoxy 1,1,2,2,3,3,4,4,4 nonafluorobutane (C4F9OC2H5); 2-(ethoxydifluoromethyl) 1,1,1,2,3,3,3 heptafluoropropane ((CF3)2CFCH2OC2H5); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC43-10mee) 3,3-dichloro-1,1,1,2,2, pentafluoropropane (HCFC 225ea); 1,3-dichloro 1,1,2,2,3 pentafluoropropane (HCFC 225eb); 1,1,1,2 tetrafluoroethane (HFC 134a); 1,1-dichloro 1-fluoroethane (HCFC 141b); 1-chloro 1,1-difluoroethane (HCFC 142b); 2-chloro 1,1,1,2 tetrafluoroethane (HCFC 124); pentafluoroethane (HFC 125); 1,1,2,2 tetrafluoroethane (HFC 134); 1,1,1 trifluoroethane (HFC 143a); 1,1-difluoroethane (HFC 152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene) and perfluorocarbon compounds which fall into these classes:~~

- ~~(i) cyclic, branched, or linear completely fluorinated alkanes;~~
  - ~~(ii) cyclic, branched, or linear completely fluorinated ethers with no unsaturations;~~
  - ~~(iii) cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and~~
  - ~~(iv) sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.~~
- ~~(b) For purposes of determining compliance with emissions~~

~~limits, VOC will be measured by the test methods in 40 CFR Part 60, Appendix A, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by the department. As a precondition to excluding these compounds as VOC or at any time thereafter, the department may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the department, the amount of negligibly reactive compounds in the source's emissions.~~

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-202, 75-2-203, 75-2-204, MCA

17.8.1005 ADDITIONAL CONDITIONS OF AIR QUALITY PRE-CONSTRUCTION PERMIT (1) through (5) remain the same.

(6) Emission reductions (air quality offsets) under (1)(c) of this rule must also comply with the additional requirements for determining the baseline and magnitude of emission reductions (air quality offsets) contained in ARM 17.8.905(1)(c) and 17.8.906, except that ~~17.8.905~~ 17.8.906(6) through (8) shall not be applicable to offsets required under this subchapter.

AUTH: 75-2-111, 75-2-203, MCA

IMP: 75-2-202, 75-2-203, 75-2-204, MCA

4. The proposed amendments to ARM 17.8.101, 17.8.801, and 17.8.901 would delete definitions of the phrase "volatile organic compounds (VOC)" that are equivalent to the definition of that phrase in federal regulations and replace the state definitions with incorporations by reference of the same definition in 40 CFR 51.100(s). The U.S. Environmental Protection Agency (EPA) frequently revises the federal definition, requiring the Board to frequently revise its definition to maintain equivalency. Also, in past revisions of the definitions in the Montana rules, clerical errors have been made in reproducing the lengthy compound names included in the definition. Incorporation by reference of the federal definition would avoid that problem.

The proposed amendments to ARM 17.8.102 would adopt revisions to the federal air quality regulations that are incorporated by reference in the Montana air quality rules and that were published in the Federal Register between July 1, 2000, and June 30, 2001, and that are included in the July 1, 2001, edition of the CFR. The proposed amendments to ARM

17.8.102 are necessary to update the incorporations by reference in the air quality rules to incorporate the most recent editions of the Code of Federal Regulations (CFR) and the Administrative Rules of Montana. These proposed amendments are necessary to allow the Department of Environmental Quality to follow the most recent editions. Also, incorporation of recent revisions to federal regulations incorporated by reference in the Montana air quality rules is necessary for the State to retain primacy over Montana's air quality program.

The Board is proposing to amend ARM 17.8.302 by deleting the reference to a certain specified Federal Register notice for new federal pulp mill emission standards for hazardous air pollutants. EPA has now codified those standards in the CFR so that the Board's proposed incorporation by reference of the most recent edition of the CFR would include those regulations.

The Board is proposing amendments to ARM 17.8.401 and 17.8.1005 to correct internal references to other air quality rule provisions.

The Board will also take testimony on submission of the proposed amendments to EPA as proposed revisions to the State Implementation Plan (SIP).

5. Concerned persons may submit their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to the Board Secretary at Board of Environmental Review, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana, 59620-0901; faxed to (406) 444-4386, or emailed to "ber@state.mt.us", no later than 5:00 p.m., April 4, 2002. To be guaranteed consideration, written comments must be postmarked on or before that date.

6. Thomas Bowe, attorney for the Board, has been designated to preside over and conduct the hearing.

7. The Board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; openpit mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans;



wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA, underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Such written request may be mailed or delivered to the Board Secretary at Board of Environmental Review, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901, faxed to (406) 444-4386, emailed to "ber@state.mt.us," or may be made by completing a request form at any rules hearing held by the Board.

8. The bill sponsor notice requirements of Section 2-4-302, MCA, do not apply.

BOARD OF ENVIRONMENTAL REVIEW

BY: \_\_\_\_\_  
JOSEPH W. RUSSELL, M.P.H., Chair

Reviewed by:

\_\_\_\_\_  
David Rusoff, Rule Reviewer

Certified to the Secretary of State \_\_\_\_\_, 2001.